telomerase occurs either inside a eukaryotic cell or in the absence of intact eukaryotic cells.

A1

Claim 11 (new). The oligonucleotides of claim 10, wherein said binding to telomerase occurs inside a tumor cell.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Claims 1-8 are pending in the application, and are subjected to a three-way restriction requirement.

New claims 9-11 are added, and are encompassed by the elected GROUP I.

Election

Applicants provisionally elect with traverse, GROUP I consisting of claims 1-6 and drawn to chimeric oligos.

With respect to the election of species, the oligonucleotide species described by SEQ ID NO: 5 is elected for further prosecution, and is encompassed by claim 6. Upon allowance of a generic claim, Applicants reserve the right to rejoin non-elected species in dependent claims.

Traversal

It is respectfully suggested that Examiner has not shown that the restriction is proper for the following reasons.

Specifically, Examiner states that the oligos can be used in a materially distinct method such as detecting the presence of telomerase. In response, Applicants point out that **detecting** the presence of telomerase necessarily requires binding to the telomerase. Thus, the processes of inhibiting and detecting (by binding) are virtually inseparable.

Further, with respect to interpreting claim language, **inhibiting** telomerase is indisputably encompassed by the broader term **binding.** Thus, it is not reasonable to hold that detecting telomerase (i.e., by binding to telomerase) is a materially distinct process.

To maintain the restricition, Examiner must show that the oligos can detect telomerase **without binding/inhibiting it.** Examiner has not provided a workable example of how the oligos may affect such a detection. Therefore, the restriction is improper because the oligos **cannot** perform a different process.

Thus, Applicants respectfully traverse the restriction between Groups I and II, and request withdrawal of the requirement.

Applicants respectfully traverse the restriction between Groups II and II because the two processes are not distinct. It is well known that inhibiting telomerase has been a goal of cancer research. In fact, telomerase activity is only found in cells that are deemed "immortal" – e.g., germ cells and cancer cells.

Thus, telomerase inhibition is necessarily an integral aspect of using such oligos to treat tumors.

Accordingly, Applicants respectfully traverse the restriction between Groups III and II, and request withdrawal of the requirement

Respectfully submitted,
NORRIS, MCLAUGHLIN & MARCUS

Theodore A. Gottlieb (Reg. No. 42,597)
220 East 42nd Street
New York, NY 10017
telephone (646) 487-5675
facsimile (212) 808-0844